

SENATE BILL No. 84

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-8.

Synopsis: Sex offender notification. Provides that the failure of a sex or violent offender who moves to a new county to notify authorities in the previous county of residence of the move is a Class C infraction if the sex or violent offender has properly registered in the new county. Requires the local law enforcement authority in the new county to notify the local law enforcement authority in the previous county of the sex or violent offender's new location. Requires the local law enforcement authority in the previous county to forward relevant information to the local law enforcement authority in the new county. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Effective: July 1, 2008.

Steele

January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 84

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-8-8-11, AS AMENDED BY P.L.216-2007,
2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required
4 to register under this chapter changes:
5 (1) principal residence address; or
6 (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place
7 where the sex or violent offender stays in Indiana;
8 the sex or violent offender shall report in person to the local law
9 enforcement authority having jurisdiction over the sex or violent
10 offender's current principal address or location and, if the offender
11 moves to a new county in Indiana, to the local law enforcement
12 authority having jurisdiction over the sex or violent offender's new
13 principal address or location not more than seventy-two (72) hours
14 after the address change.
15 (b) If a sex or violent offender moves to a new county in Indiana, the
16 local law enforcement authority ~~where the sex or violent offender's~~
17 ~~current principal residence address is located in the new county in~~



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1 **Indiana** shall inform the local law enforcement authority in the ~~new~~
 2 ~~county in Indiana county where the sex or violent offender's~~
 3 **principal residence address was previously located** of the sex or
 4 violent offender's **new** residence and ~~forward~~ **shall send a copy of** all
 5 relevant registration information concerning the sex or violent offender
 6 **in the new county** to the local law enforcement authority in the ~~new~~
 7 ~~county where the sex or violent offender's principal residence~~
 8 **address was previously located.** The local law enforcement authority
 9 receiving notice under this subsection shall verify the address of the
 10 sex or violent offender under section ~~13~~ of this chapter not more than
 11 ~~seven (7) days after receiving the notice.~~ **The local law enforcement**
 12 **authority in the county where the sex or violent offender's**
 13 **principal address was previously located shall in turn forward all**
 14 **relevant registration information concerning the sex or violent**
 15 **offender in that county to the local law enforcement authority in**
 16 **the new county.**

17 (c) If a sex or violent offender who is required to register under
 18 section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent
 19 offender's principal place of employment, principal place of vocation,
 20 or campus or location where the sex or violent offender is enrolled in
 21 school, the sex or violent offender shall report in person:

22 (1) to the local law enforcement authority having jurisdiction over
 23 the sex or violent offender's current principal place of
 24 employment, principal place of vocation, or campus or location
 25 where the sex or violent offender is enrolled in school; and

26 (2) if the sex or violent offender changes the sex or violent
 27 offender's place of employment, vocation, or enrollment to a new
 28 county in Indiana, to the local law enforcement authority having
 29 jurisdiction over the sex or violent offender's new principal place
 30 of employment, principal place of vocation, or campus or location
 31 where the sex or violent offender is enrolled in school;

32 not more than seventy-two (72) hours after the change.

33 (d) If a sex or violent offender moves the sex or violent offender's
 34 place of employment, vocation, or enrollment to a new county in
 35 Indiana, the local law enforcement authority ~~having jurisdiction over~~
 36 ~~the sex or violent offender's current principal place of employment,~~
 37 ~~principal place of vocation, or campus or location where the sex or~~
 38 ~~violent offender is enrolled in school in the new county where the sex~~
 39 **or violent offender's new principal place of employment, vocation,**
 40 **or enrollment is located** shall inform the local law enforcement
 41 authority in the new county of the sex or violent offender's new
 42 principal place of employment, vocation, or enrollment **having**

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jurisdiction over the sex or violent offender's former principal place of employment, principal place of vocation, or campus or location where the sex or violent offender was enrolled in school by forwarding relevant registration information to the local law enforcement authority in the ~~new~~ previous county of residence.

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS); and

(3) notify the department.

(h) If a sex or violent offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(i) If a sex or violent offender is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

SECTION 2. IC 11-8-8-17, AS AMENDED BY P.L.216-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) **Except as provided in subsection (d)**, a sex or violent offender **required to register under this chapter** who knowingly or intentionally:

(1) fails to register when required to register under this chapter;

(2) fails to register in every location where the sex or violent offender is required to register under this chapter;

(3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;

(4) fails to register in person as required under this chapter; or

(5) does not reside at the sex or violent offender's registered address or location;

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1 commits a Class D felony.

2 (b) The offense described in subsection (a) is a Class C felony if the
3 sex or violent offender has a prior unrelated conviction for an offense:

4 (1) under this section; or

5 (2) based on the person's failure to comply with any requirement
6 imposed on a sex or violent offender under this chapter or under
7 IC 5-2-12 before its repeal.

8 (c) It is not a defense to a prosecution under this section that the sex
9 or violent offender was unable to pay the sex or violent offender
10 registration fee or the sex or violent offender address change fee
11 described under IC 36-2-13-5.6.

12 **(d) This subsection only applies to a sex or violent offender**
13 **required to register under this chapter who:**

14 **(1) changes the sex or violent offender's principal residence**
15 **address to a new county in Indiana; and**

16 **(2) registers with the local law enforcement authority in the**
17 **new county having jurisdiction over the sex or violent**
18 **offender's new principal address not more than seventy-two**
19 **(72) hours after the change of address.**

20 **A sex or violent offender to whom this subsection applies who fails**
21 **to register with the local law enforcement authority having**
22 **jurisdiction over the sex or violent offender's former principal**
23 **address in the previous county of residence commits a Class C**
24 **infraction.**

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